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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA ) CR. S-02-519 FCD  
 )  
10 Plaintiff, ) STIPULATION AND ORDER  
 ) CONTINUING BRIEFING SCHEDULE  
11 v. ) AND SENTENCING HEARING DATE  
 )  
12 ESEQUIEL QUESADA GARCIA, )  
 ) Date: February 27, 2006  
 ) Time: 9:30 a.m.  
13 Defendant. ) Court: Hon. Frank C. Damrell  
 )  
14 \_\_\_\_\_ )

15 Whereas, both parties desire to continue the presently set  
16 briefing schedule and the February 27, 2006, hearing date on the  
17 effect of United States v. Ameline, 409 F.3d 1073, 1084-85 (9th  
18 Cir. 2005) (en banc) on defendant Esequiel Quesada Garcia's  
19 sentence to allow Garcia additional time to file his opening  
20 submission, and to adjust the deadline for the United States so  
21 that the deadline does not interfere with the undersigned  
22 prosecutor's anticipated trial work in another case,

23 It is hereby stipulated and agreed by the parties, through  
24 their respective attorneys, and subject to the approval of the  
25 Court that:  
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1. The previously set briefing schedule dates are hereby vacated;

2. Garcia's opening submission shall be due on January 10, 2006;

3. The United States' response shall be due by February 21, 2006;

3. Garcia's response shall be due by March 6, 2006; and

4. The non-evidentiary sentencing hearing on the effect of United States v. Ameline, supra, on Garcia's sentence shall be continued from February 27, 2006, to March 20, 2006. In the event that the Court determines that an evidentiary hearing is necessary, an evidentiary hearing for a later date shall be set at that hearing.

Dated: January 9, 2006

McGREGOR W. SCOTT  
United States Attorney

/s/ Samuel Wong

By:

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SAMUEL WONG  
Assistant U.S. Attorney

Dated: January 9, 2006

/s/ Dwight Samuel

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DWIGHT SAMUEL  
Attorney for defendant  
Esequiel Quesada Garcia

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ORDER

The Court having received, read, and considered the above stipulation of the parties, and good cause appearing therefrom,

The Court hereby adopts the stipulation of the parties in its entirety as its order.

It is so ORDERED.

Dated: January 12, 2006

/s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL JR.  
United States District Judge